

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2003 DEC 30 P 4: 57
U.S. DISTRICT COURT
DISTRICT OF MASS.

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)
IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION)
)
_____)

MDL NO. 1456

CIVIL ACTION: 1:01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

)
)
State of California, et al. v.
Abbott Laboratories, et al.,
CIVIL ACTION NO. 1:03-CV-11226-PBS)
)
_____)

**NOTICE OF INTENT TO FILE RESPONSE TO
THE STATE OF CALIFORNIA'S SUPPLEMENTAL BRIEF
REGARDING THE ISSUE OF FEDERAL PREEMPTION
OF REBATE CLAIMS AND AGREED RESPONSE DATE**

In accordance with Case Management Order No. 8, Defendant Abbott Laboratories, Inc. ("Abbott") hereby notifies the Court of its intent to file a response to the State of California's Supplemental Brief Regarding the Issue of Federal Preemption of Rebate Claims (the "Supplemental Preemption Brief"). Abbott has conferred with the State of California and the parties have agreed that Abbott will file a response to the Supplemental Preemption Brief on or before January 9, 2004 not to exceed ten (10) pages.

DATED: December 30, 2003

Respectfully Submitted,



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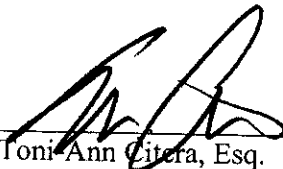
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Counsel for Defendant Abbott Laboratories

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2003, I, Toni-Ann Citera, an attorney, caused a true and correct copy of the foregoing **Notice Of Intent To File Response To The State Of California's Supplemental Brief Regarding The Issue Of Federal Preemption Of Rebate Claims And Agreed Response Date** to be served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by transmitting a copy to Verilaw Technologies for posting and notification to all parties.

By: _____


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